

REMARKS

This amendment is made in response to and in conformity with the Office Action of August 10, 2005 in which Examiner Rachuba indicates that claims 2-7 are allowable if rewritten in independent form.

As indicated by the enclosed amended claims, applicant has incorporated the limitations of claim 2 into claim 1 and cancelled claim 2. The other claims are suitably amended to ensure conformity of language.

Non-elective claims 8 and 9 are cancelled without admission or concession that they do not represent patentable subject matter. Applicant expressly reserves the right to pursue said claims in a continuation application.

New claims 10 and 11 are submitted herewith. Claim 10 closely parallels old claim 1 but makes it clear that shearing is done by relative displacement between the two adjacent dies and without the use of a blade. Davis 4,471,678 and Mills 3,759,127 cited against old claim 1 are both saw cutters which use blades to cut tubing. They are not in the same class as the present invention; i.e., they are not "supported shears" as that term is commonly used in the tube cutting industry. Favorable consideration of claims 10 and 11 is requested.

A Notice of Allowance is respectfully solicited.

Respectfully submitted,



Thomas N. Young
Attorney for Applicant
Registration No. 20,985
(248) 649-3333

YOUNG & BASILE P.C.
3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48084-3107
Dated: November 9, 2005
TNY/djb

BEST AVAILABLE COPY